

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL NO. 3:24-CR-98
LAWRENCE MALACHEFSKI	:	
Defendant	:	

Pursuant to the October 21, 2020 amendment to Rule 5 of the Federal Rules of Criminal Procedure the Court provides prosecution and defense counsel with the following Notice that confirms the disclosure obligation of the prosecutor under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, to disclose exculpatory information to the defense in the above-captioned case. Under Brady the prosecutor must produce material evidence in its possession custody or control favorable to the accused, which includes both exculpatory evidence and information which may impeach government witnesses when that evidence is material either to guilt or punishment. Such disclosures must be made in a timely manner in order to allow the use of the exculpatory information in the defense of the case and the failure to comply with this due process obligation may result in dismissal of charges, exclusion of evidence or sanctions against counsel.